

REMARKS

This is a full and timely response to the outstanding final Office Action mailed February 5, 2003. Upon entry of the foregoing amendments in this response, claims 26 – 31 remain pending in the present application. Applicant has amended claims 26 and 30. Applicant submits the following remarks and respectfully requests reconsideration and allowance of the application and presently pending claims.

I. Claims 26 – 28, 30 and 31 are Patentable Over U.S. Patent No. 5,714,931

The Office Action rejects claims 26 – 28, 30, and 31 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,714,931 to Petite et al. (“the ‘931 patent”).

A. Independent Claim 26

Applicant respectfully submits that the ‘931 patent fails to disclose, teach, or suggest the feature of “*data formatting logic disposed to receive an output from both the mechanism for reading information* (from a magnetic strip of a banking card) *and the receiver* (configured to receive wireless information from a remote access unit).” The Office Action argues that the ‘931 patent discloses “an automatic teller banking system.” Applicant respectfully disagrees with this characterization.

The ‘931 patent discloses a personal security system in which a portable transmitter may be carried or worn by an individual and activated by the individual in need of assistance to thereby transmit data specifically relating to the individual. The data is received by a transceiver located near the individual and transmitted with additional data to a remote receiver. The remote receiver forwards information relating to the data to emergency personnel who use the information to determine the location of the individual, as well as particulars relating to the individual, such as a name and a physical description.

The '931 patent discloses a number of situations in which the personal security system may be used to improve security. In this regard, the '931 patent specifies that the receiver that communicates with the portable transmitter may be located "anywhere in the proximate area to where the individual activates the personal transmitter." Col 2, ll. 21 – 23. In one particular example, the '931 patent specifies that the receiver may be located in an ATM. Applicant respectfully submits, however, that the '931 patent does not disclose an automatic teller banking system having *data formatting logic disposed to receive an output from both the mechanism for reading information* (from a magnetic strip of a banking card) *and the receiver* (configured to receive wireless information from a remote access unit). In fact, the '931 patent does not disclose, teach, or suggest anything about the ATM other than locating the receiver in the ATM for purposes of improving security at the ATM. The ATM is used merely as a mechanism for forwarding the data from the portable transmitter to a remote transceiver. Unlike the claimed invention, the '931 patent does not disclose, teach, or suggest configuring the ATM with the *data formatting logic*. Furthermore, the '931 patent does not disclose, teach, or suggest the feature of configuring an automated teller banking machine with "*logic to verify account information for a user and an account identified by the user identification information*" received from the remote access device. For at least these reasons, Applicant respectfully submits that independent claim 26 is patentable over the '931 patent. Accordingly, Applicant respectfully requests that this rejection be withdrawn and claim 26 be allowed. Claims 27 and 28, each of which depend on claim 26, are also patentable over the '931 patent for at least the reason that they include all of the limitations of the base claim. Therefore, Applicant respectfully requests that claims 27 and 28 also be allowed.

B. Independent Claim 30

Applicant respectfully submits that the '931 patent fails to disclose, teach, or suggest a remote access unit having ***“data formatting logic configured to format a message for transmission from the wireless transmitter to an automated financial transaction machine, the data formatting logic configured to format a message comprising a concatenation of the user identification data and a function code, wherein a unique function code is associated with each distinct user-depressable button and the automated financial transaction machine includes logic to verify account information for a user and an account identified by the user identification information.”***

The '931 patent discloses a personal security system in which a portable transmitter may be carried or worn by an individual and activated by the individual in need of assistance to thereby transmit data specifically relating to the individual. The data is received by a transceiver located near the individual and transmitted with additional data to a remote receiver. The remote receiver forwards information relating to the data to emergency personnel who use the information to determine the location of the individual, as well as particulars relating to the individual, such as a name and a physical description.

The '931 patent discloses a number of situations in which the personal security system may be used to improve security. The '931 patent specifies that the receiver that communicates with the portable transmitter may be located “anywhere in the proximate area to where the individual activates the personal transmitter.” Col 2, ll. 21 – 23. In one particular example, the '931 patent specifies that the receiver may be located in an ATM. Applicant respectfully submits, however, that the '931 patent does not disclose a remote access unit that formats a message for transmission from the transmitter to an automated financial transaction machine that verifies account information for a user of the remote access unit and an account identified by the user identification information transmitted by the remote

access unit. For at least these reasons, Applicant respectfully submits that independent claim 30 is patentable over the '931 patent. Accordingly, Applicant respectfully requests that this rejection be withdrawn and claim 30 be allowed. Claim 31, which depends on claim 30, is also patentable over the '931 patent for at least the reason that it includes all of the limitations of the base claim. Therefore, Applicant respectfully requests that claim 31 also be allowed.

II. Claim 29 is Patentable Over U.S. Patent No. 5,550,358
in View of U.S. Patent No. 5,319,364

The Office Action rejects claim 29 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,550,358 to Tait *et al.* ("the '358 patent") in view of U.S. Patent No. 5,319,364 to Waraksa *et al.* ("the '364 patent"). The Office Action admits that the '358 patent fails to disclose the transmission of a function code along with the user identification data in response to the depression of the user button. The Office Action argues that the "ERROR CORRECTION CODE" of the '364 patent discloses this feature and that it would have been obvious to one with ordinary skill in the art to modify the remote access unit of the '358 patent by adding this feature.

Applicant respectfully submits that the Examiner mischaracterizes the teachings of the '364 patent. Claim 29 includes the feature of a remote access device that transmits a function code function that defines a ***function for automatically accessing the automated financial transaction machine***. The '364 patent does not disclose, teach, or suggest this feature. The "ERROR CORRECTION CODE" disclosed in the '364 patent is a coding scheme used to improve the communication between the transmitter and receiver. This coding scheme is used to allow the system to properly receive a coded transmission which may have been partially altered by noise to improve reception performance and response time and reduce false detections. Col. 5, ll. 42 – 51. Applicant respectfully submits that this coding scheme

has nothing to do with the function of “*automatically accessing the automated financial transaction machine.*” For at least this reason, Applicant respectfully submits that claim 29 is patentable over any combination of the '358 patent and the '364 patent. Accordingly, Applicant respectfully requests that this rejection be withdrawn and claim 29 be allowed.



CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that pending claims 26 – 31 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

Adam E. Crall
Registration No.: 46,646

THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.
Suite 1750
100 Galleria Parkway N.W.
Atlanta, Georgia 30339
(770) 933-9500

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